APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,817	12/08/2003	Yuji Abuku	00862.023347	9256

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EXAMINER
SHECHTMAN, SEAN P

ART UNIT	PAPER NUMBER
2125	

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)	
	10/728,817	ABUKU, YUJI	
Office Action Summary	Examiner	Art Unit	
	Sean P. Shechtman	2125	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _06 June 2005_.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _19-30_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) _19-30_ is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on _15 November 2004_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☒ All b) ☐ Some * c) ☐ None of:
      1. ☒ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 19-30 are presented for examination. Claims 19 and 25 have been amended.

Claim Rejections - 35 USC § 112

2.   Rejections withdrawn due to the amendment.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found

in a prior Office action.

3.   Claims 19, 21-25, 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over

U.S. Pat. No. 5,969,972 to Kerszykowski in view of U.S. Pat. No. 6,128,403 to Ozaki.

Referring to claims 19 and 25, Kerszykowski teaches an information processing method

and apparatus used for an exposure system, comprising: generating a parameter file described in

program based on a parameter used in the exposure system (Col. 2, lines 32-37; Col. 2, lines 38-

45), the parameter file including information for displaying an image concerning at least one of a

shot layout and a sample shot for an exposure process to be performed by the exposure system

(Col. 4, lines 13-26, information concerning the number of exposures and the location of each

exposure), and a program for editing the image (Col. 4, lines 13-26).

Referring to claims 21 and 27, Kerszykowski teaches receiving the parameter from the

exposure system (Col. 2, lines 32-37).

Referring to claims 24 and 30, Kerszykowski teaches transmitting a parameter edited via

the program to the exposure system (Col. 2, lines 15-17).

Referring to claims 19, 22, 25, 28, Kerszykowski teaches all of the limitations set forth

above, however, Kerszykowski fails to teach that the parameter file is transmitted to another

information processing apparatus arranged outside of the exposure system and Kerszykowski

fails to teach that the parameter file is described in a markup language. Referring to claims 23

and 29, Kerszykowski fails to teach receiving the parameter file from the other information

processing apparatus.

The examiner respectfully submits that, in the claims, the parameter file is completely

lacking in functionality once it is arranged outside the exposure system. The examiner

respectfully submits that the claims, as such, require nothing more than the parameter file simply

existing outside the exposure system even if only in an idle state.

However, referring to claims 19, 22, 25, 28, Ozaki teaches analogous art, wherein a

parameter file is transmitted to another information processing apparatus arranged outside of the

exposure system (Col. 6, lines 7-9; Col. 6, lines 31-34; Fig. 1, element 4; Fig. 3; Col. 8, lines 36-

37; Fig. 2) and Ozaki teaches that the parameter file is described in a markup language (Col. 8,

lines 32-45; Col. 9, lines 54-57). Referring to claims 23 and 29, Ozaki teaches receiving the

parameter file from the other information processing apparatus (Fig. 2; Col. 6, lines 18-34).

Therefore, it would have been obvious to one of ordinary skill in the art at the time that

the invention was made to modify the teachings of Kerszykowski with the teachings of Ozaki.

One of ordinary skill in the art would have been motivated to combine these references because

Ozaki teaches a wafer map analysis aid system that is convenient for predicting abnormalities,

failures, or mask generated when changing production form (Col. 4, lines 17-25). Furthermore,

Ozaki teaches the wafer map analysis aid system that can display an image of the wafer map

described on the map data on a screen in accordance with the classification (Col. 3, lines 1-7).

Further still, Ozaki teaches the display means allows data analysis to be performed in the middle of a manufacturing step without waiting for a termination of the manufacturing step (Col. 3, lines 58-63). Further still, Ozaki teaches that the relationship between the wafer map and the graph or other maps can directly be recognized visually, thus enhancing analysis efficiency (Col. 3, lines 64 – Col. 4, line 5).

4.   Claims 20 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,969,972 to Kerszykowski in view of U.S. Pat. No. 6,128,403 to Ozaki, as applied to claims 19 and 25 above, and further in view of U.S. Pub. No. 2003/0025732 to Prichard.

Referring to claims 20 and 26, Kerszykowski/Ozaki teaches all of the limitations set forth above, however, Kerszykowski/Oazaki fails to teach the program is described in a script language.

However, referring to claims 20 and 26, Prichard teaches analogous art, wherein the program is described in a script language (Page 1, paragraph 17).

Therefore it would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the teachings of Kerszykowski/Oazaki with the teachings of Prichard. One of ordinary skill in the art would have been motivated to combine these references because Prichard teaches providing customized graphical user interfaces and/or screen layouts in a computer system wherein the user can interactively edit application data dynamically and freely (Page 1, paragraphs 16-18).

Response to Arguments

Applicant's arguments filed June 6th 2005 have been fully considered but they are not

persuasive.

5.   In response to applicant's argument that the references fail to show certain features of

applicant's invention, it is noted that the features upon which applicant relies (i.e., a high

performance image processing apparatus and method) are not recited in the rejected claim(s).

Although the claims are interpreted in light of the specification, limitations from the specification

are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir.

1993).

6.   Applicant argues that Kerszykowski fails to teach generating a parameter file including

information for displaying an image concerning at least one of a shot layout and a sample shot

for an exposure process to be performed by the exposure system. The examiner respectfully

disagrees. Kerszykowski clearly teaches an automated machine program generator including

information for displaying an image concerning at least one of a shot layout and a sample shot

for an exposure process to be performed by the exposure system in Col. 4, lines 13-26. The

examiner respectfully submits that the information concerning the number of exposures and the

location of each exposure is at least one of a shot layout and a sample shot.

7.   Applicant argues that Kerszykowski fails to teach a program for editing the image. The

examiner respectfully disagrees. Kerszykowski clearly teaches a program for editing the image

in Col. 4, lines 13-26. Kerszykowski clearly teaches an optimizer editor that is a data editor

(Col. 4, lines 13-26). Kerszykowski clearly shows that the editor edits the image, wherein figure

5 is before editing and figure 6 is after editing (Col. 4, lines 27-35). *Although not relied upon in*

the rejection, the examiner respectfully notes the definition of an editor from the Microsoft

Computer Dictionary, which clearly states that an editor is a "program that creates files or makes changes to exiting files". The examiner respectfully submits that the optimizer editor that edits the image is a program for editing the image.

Conclusion

8.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9.   The prior art or art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents or publications are cited to further show the state of the art with respect to an editor.

The Microsoft Computer Dictionary 1999, 4th edition, Microsoft Press, pages 161.

10.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Sean P. Shechtman whose telephone number is (571) 272-3754.

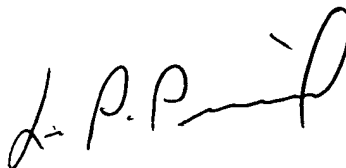The examiner can normally be reached on 9:30am-6:00pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Leo P. Picard can be reached on (571) 272-3749. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SPS

Sean P. Shechtman

June 11, 2005

LEO PICARD
SUPERVISORY PATENT EXAMINER
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